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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

**OREGON NATURAL DESERT ASSOCIATION;
OREGON WILDLIFE FEDERATION;
IDAHO WATERSHEDS PROJECT; and
COMMITTEE FOR IDAHO'S HIGH DESERT,**

Case no.: 3:98-cv-97-AA

**DEFENDANTS' NOTICE OF
FILING OF ANNUAL REPORT**

Plaintiffs,

v.

DON GONZALEZ, in his official capacity as Vale
District Manager, Bureau of Land Management;
THOMAS ("PAT") RYAN, in his official capacity
as Jordan Resource Manager, Bureau of Land
Management; **U.S. BUREAU OF LAND
MANAGEMENT**, an agency of the U.S.

Page 1 - DEFENDANTS' NOTICE OF FILING OF 03/01/18-02/28/19 ANNUAL REPORT

ONDA v. Gonzalez, 3:98-cv-97-AA (D. Or.)

Department of the Interior; and **SALLY JEWELL**,
in her official capacity as Secretary of the
Department of the Interior,

Defendants,

and

OREGON CATTLEMEN'S ASSOCIATION,
a non-profit organization on behalf of its members,

Defendant-Intervenor.

In accordance with paragraph 12 of the Court's Order of Modified Injunction entered on April 28, 2000 (Dkt. #315), in the above-captioned action, Defendants hereby give notice of their filing of the attached annual report, dated Feb. 22, 2019, addressing compliance with the Court's orders, progress on the environmental impact statement, and projected work for the coming year.

Respectfully submitted this 28th day of February 2019.

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s/ Stephen J. Odell
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United States Department of the Interior

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FEB 22 2019

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**Report to District Court of Oregon
Regarding Compliance with Order of Modified Injunction
ONDA v. Palma (Owyhee Wild and Scenic River)
Civil No. 98-97-RE
March 1, 2019**

The following is the Bureau of Land Management's (BLM) 18th annual report – pursuant to section 12 of the Order of Modified Injunction of April 28, 2000. We are reporting on: 1) compliance with the Order for the period of March 01, 2018 through February 28, 2019; 2) progress toward completion of the EIS; and 3) projected work for the year to come (fiscal year 2018). The format of this report corresponds with the specific section of the Order, to the extent that there are associated actions to report.

Compliance with the Order:

Section 1. and 2. As previously reported, these closures and/or terms and conditions, remain in effect and will not be reported on further, unless there is a failure to perform or other non-compliance.

Section 3. BLM made every effort to ensure that this section of the Order was followed. BLM staff coordinated and monitored project development, conducted grazing use supervision, and monitored resource conditions. These workloads were done in addition to other high priority and/or unplanned District work (such as: oversight and monitoring of the Wild and Scenic Owyhee River boating season; continuing progress on the amendment of the Southeast Oregon Resource Management Plan (SEORMP); Oregon/Washington Greater Sage-Grouse EIS; Endangered Species Act consultation; emergency wildfire suppression and post fire rehabilitation efforts). BLM staff conducted numerous compliance checks using ground vehicles, river floats, horseback, and hiking.

Section 4. Specific details in regard to cattle management (herding, etc.) will be addressed in later sections.

Section 6. Post trailing inspections, river trips and other site visits revealed no problems from livestock trailing. Priority focus went to resource inventory, utilization checks, grazing supervision, trespass abatement and coordination. BLM will strive to observe and document any impacts from trailing or unauthorized use when monitoring resumes in March 2019. To the best of BLM's knowledge, based on conversations with affected permittees, staff observations and post use reports, livestock trailing occurred without incident.

Sections 7,8,9 and 11 of the Modified order of Injunction are summarized in the following table (all of the deficiencies reported were corrected in a timely manner):

| Table 4. Areas of Concern Summary of Patrol Observations | | | | | | |
|---|-------------------------|---|--|------------------------|--|---|
| Area of Concern | Land (L) or Boat | Date | Livestock Observations | Fence Condition | Fence Status and/ or Corrective Measure | Other Observations |
| Lower Section of Main Owyhee (Rome to Birch Creek) | | | | | | |
| Greely Bar | B | 3/29 | None observed | Good | | Gate closed as required |
| Greely Bar | B | 4/20, 5/9, 6/14 & 22 7/2, 13, & 31 8/12 | None observed | Did not inspect | | |
| Hole-in-the-Ground | B | 3/29, | Approx. 12 head of cattle in Quartz Allotment Hole in the Ground pasture | No fence | | Livestock were grazing on uplands. Grazing is authorized until 4/15 |
| Hole-in-the-Ground | B | 4/20, 5/9, 6/14 & 22 7/2, 13 & 31 | None observed | No fence | | |
| Bull Creek | B | 3/28 | None observed | Good | | Gate open as required. No sign of wild horses using AOC on all patrols. No livestock sign on all patrols. |
| Bull Creek | B | 4/18 5/9 6/13 & 19, 30 7/11 & 19 8/9 | None observed | Did not inspect | | |
| Ryegrass Navarro | B | 3/27 | None observed | Good | | |
| Ryegrass Navarro | B | 4/17, 5/8, 6/12, 18 & 29 7/10, 18, 28 8/9 | None observed | Did not inspect | | Slight sign of crossing at Ryegrass crossing. No sign of crossing at Navarro crossing. |
| Sand Springs | B | 3/27 | None observed | Good | | Gate open as required. No sign of wild horses using AOC on all patrols. No livestock sign on all patrols. |

Table 4. Areas of Concern Summary of Patrol Observations

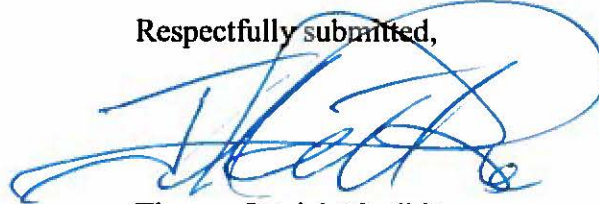
| Area of Concern | Land (L) or Boat | Date | Livestock Observations | Fence Condition | Fence Status and/ or Corrective Measure | Other Observations |
|--------------------------|-------------------------|---|------------------------------------|-----------------------------------|--|---|
| Sand Springs | B | 4/16, 5/8, 6/11, 17 & 27 7/16 & 26 8/7 | None observed | Did not inspect fence this patrol | | |
| Granite Creek | B | 3/27 | None observed | Good | | Gate open as required. No sign of wild horses using AOC on all patrols. No livestock sign on all patrols. |
| Granite Creek | B | 4/16, 5/8, 6/10, 16 & 26 7/7, 15 & 25 8/6 | None observed | Did not inspect | | |
| Fletcher Trails | B | 3/26 | None observed No livestock sign | Fair | | All fences were good except one short segment that crosses an ephemeral stream is in fair condition. |
| Fletcher Trails | B | 4/16, 5/8, 6/10, 16 & 26 7/15 & 25 8/6 | None observed | Did not inspect | | No sign of wild horses using AOC on all patrols. |
| Sand Hollow | L | 7/26 | None observed | Good | | |
| Deary Pasture | | | | | | No patrols in 2018 |
| Three Forks | L | 3/11, 6/23, 8/7 | None observed | Good | | |
| 5 Bar | | | | | | No patrols in 2018 |
| Anderson Crossing | L | 10/29 | None observed | Good | | No sign of livestock crossing |
| Upper West Little Owyhee | | | | | | No patrols in 2018 |

Anticipated Progress Toward Completion of EIS (FY2018)

In FY 2019 the Vale District will reengage and direct planning resources towards the completion of the SEORMP amendment. Limited progress is expected on the Owyhee WSR plan in 2019, but these efforts also remain a District priority.

BLM will continue to conduct use supervision and monitoring of river values within areas of concern, campsites and other areas where use occurs within the river corridor.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Pat Ryan', with a large, looping flourish at the end.

Thomas Patrick "Pat" Ryan
Field Manager
Malheur Field Office